

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No. : 09/617,868 Confirmation No. 8293  
Applicant : Thomas J. Shaw  
Filed : July 17, 2000  
TC/Art Unit : 3767  
Examiner : MacNeill, Elizabeth R.  
For : RETRACTABLE SYRINGE ASSEMBLY DESIGNED  
FOR ONE USE  
Docket No. : 575329.77432 (formerly 75329.77432)

Filed Electronically

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INTERVIEW SUMMARY RECORD**

Applicant acknowledges with appreciation the courtesy afforded to Applicant and the undersigned counsel by the granting of a personal interview at 10:00 a.m. on March 26, 2007. This paper is accompanied by a signed copy of the Applicant Initiated Interview Request Form (PTOL-413A) provided to Examiner at the start of the interview and the Interview Summary (PTOL-413) signed by Examiner MacNeill and Supervisory Patent Examiner Simons indicating that agreement with respect to the claims was reached.

The interview was requested by Applicant in a telephone conversation received from Examiner MacNeill following her initial consideration of the Amendment and Response filed electronically by Applicant on February 23, 2007. During the telephone conversation, Examiner MacNeill indicated that she believed the claims previously rejected based on Tsao '018 were still anticipated and that she was considering withdrawing the prior rejection based on U.S. 5,211,629 to Pressly et al. and instead substituting U.S. 5,201,710 to Caselli in its place in rejecting the other claims. Applicant

requested, and Examiner MacNeill and SPE Simons agreed to schedule, a personal interview prior to issuing a further action.

Participants at the interview were Examiner Elizabeth MacNeill, SPE Kevin Simons, Thomas J. Shaw and the undersigned. Four packaged Vanishpoint syringes (two 3cc and two 1cc) as manufactured and marketed by or for Retractable Technologies, Inc. were displayed, and Mr. Shaw demonstrated the operation of a 3cc Vanishpoint syringe at the beginning of the interview.

In the PTOL-413A provided to examiners, Applicant identified the two following arguments:

1. Tsao fails to teach rearwardly extending collar behind radially extending member as recited.
2. Caselli fails to teach grounding needle holder and retraction mechanism as recited; so does Tsao.

The claims under consideration were all the independent claims pending in the application, including claims 29, 37, 45, 54, 58, 81, 96, 110, 113 and 117. The principal prior art patents under consideration were U.S. 5,084,018 to Tsao and U.S. 5,201,710 to Caselli.

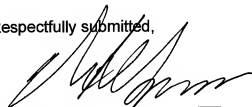
Applicant provided examiners with an unsigned draft of a proposed Supplemental Amendment and Response that further amended claims 29, 37, 45, 52, 54, 58, 73, 74, 76, 81, 83, 85, 89, 96, 102-104, 110, 113 and 116-119 from the form in which they were pending following Applicant's filing of the Amendment and Response on February 23, 2007.

Examiner MacNeill stated her concern that the claims rejected on Tsao '018, even as amended in the February 23 Amendment and Response, still failed to adequately define the rearwardly extending collar over the "finger grip" structure disclosed in Tsao '018. Examiner MacNeill also stated her concern that the recitations appearing in claims 58 and 81 of the February 23 response as to a barrier limiting forward motion of the needle should apply both prior to and during retraction. Examiner MacNeill also noted the absence of an antecedent basis for "said outside surface of the continuous retainer member in claim 45. Following statements by Applicant regarding developmental and manufacturing hurdles overcome prior to commercialization of the

claimed syringes, Applicant agreed to modify all the applicable claims in the manner suggested to accommodate both concerns of examiners. Applicant also mentioned to examiners the further amendment of various claims as more particularly noted in the Supplemental Amendment and Response to insert "retraction" prior to spring in view of the presence of two springs in Caselli '710 and to correct minor punctuation errors appearing in claims 52 and 81 as previously amended.

Examiner MacNeill then prepared and both examiners signed the PTOL-413 as attached to this paper. The Supplemental Amendment and Response filed concurrently with this Interview Summary Record is believed to fully implement the corrections suggested by examiners during the interview.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Monty L. Ross', is written over a horizontal line.

Monty L. Ross  
Registration No. 28,899  
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March 28, 2007  
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### Applicant Initiated Interview Request Form

Application No.: 09/617,868 First Named Applicant: THOMAS J SHAW  
Examiner: MAC NEILL Art Unit: 3767 Status of Application: CONFERENCE  
PERIOD

**Tentative Participants:**

- (1) MONTY ROSS (2) THOMAS SHAW  
(3) ELIZABETH MACNEILL (4) SPE KEVIN SIRMONS

Proposed Date of Interview: MARCH 26, 2007 Proposed Time: 10:00 (AM/PM)

**Type of Interview Requested:**

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☒ YES ☐ NO

If yes, provide brief description: SYRINGES OF INVENTION

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>REJ.</u>	<u>29, 37, 45, 110</u>	<u>TSAO '018</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>* (REJ.)</u>	<u>113, 117, 54</u>				
(2) <u>(REJ.)</u>	<u>54, 58, 81, 96</u>	<u>CASELLI '710</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

\* TENTATIVE

**Brief Description of Arguments to be Presented:**

① TSAO FAILS TO TEACH REARWARDLY EXTENDING COLLAR  
BEHIND RADIALLY EXTENDING MEMBER AS RECITED

② CASELLI FAILS TO TEACH GRROUNDING NEEDLE HOLDER AND  
RETRACTION MECHANISM AS RECITED BY DOESTSAO.

An interview was conducted on the above-identified application on MARCH 26, 2007.

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

MONTY L. ROSS

Typed/Printed Name of Applicant or Representative

28,899

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Interview Summary

Application No.

09/617,868

Applicant(s)

SHAW, THOMAS J.

Examiner

Elizabeth R. MacNeill

Art Unit

3767

All participants (applicant, applicant's representative, PTO personnel):

(1) Elizabeth R. MacNeill.

(3) Monty Ross.

(2) Kevin Simmons.

(4) Thomas Shaw.

Date of Interview: 26 March 2007.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☒ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: \_\_\_\_\_.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant plans to amend to claim a front and back surface of the radially extending member with the collar extending behind the back surface of the radially extending member. Also, claim 58 will clarify that the needle does not move forward prior to or during retraction.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

*Kevin C. Simmons*

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

*Elizabeth R. MacNeill*  
Examiner's signature, if required